

**DRAFT**

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|---|--------------------------|---------------------------|-----------------|
| Section: Mobilization/Emergency Incidents |                          | Procedure No: 213-XX      |                 |
| RESPONSE TO FIRST AMENDMENT ACTIVITIES    |                          |                           |                 |
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**PURPOSE**

To establish the duties and responsibilities of members of the service assigned to First Amendment activities.

**SCOPE**

Under the First Amendment of the United States Constitution, all people are afforded the right to free speech, peaceably assemble, and to petition the Government for redress of grievances. Members of the service will be deployed to demonstrations where it is clear that nonviolent participants are gathered to lawfully engage in the aforementioned activities. Members of the service must take care not to intrude upon the rights of expression or association of attendees while remaining neutral and maintaining the peace.

**DEFINITIONS**

**FIRST AMENDMENT ACTIVITY:** Where non-violent participants are lawfully assembled to exercise freedom of speech and to petition the government for a redress of grievances.

**DE-ESCALATION:** Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional members of the service and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, and to reduce or eliminate the necessity to use force.

**INCIDENT COMMANDER:** The highest ranking uniformed police supervisor responsible for the command, control and coordination of all police operations at a First Amendment activity. The precinct commanding officer or executive officer will ordinarily be designated as the incident commander. If the First Amendment activity occurs or is scheduled to occur in two or more commands within the same patrol Borough, the patrol Borough commander or designee will be designated as incident commander, and in cases where the activity affects or is scheduled to affect more than one patrol Borough, the Chief of Patrol or designee will be designated as incident commander.

**NONVIOLENT PARTICIPANT:** An individual who participates in a First Amendment activity without the use of violent behavior.

**PROTEST LIASON:** A uniformed member of the service assigned to the precinct's Community Affairs Unit or the Community Affairs Bureau and assigned to liaise with leaders and participants of a First Amendment activity. Command level Community Affairs personnel will liaise with participants until the arrival of Community Affairs Bureau personnel.

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**DEFINITIONS  
(continued)**

**VIOLENT BEHAVIOR:** Includes, but is not limited to, the use of physical force, or tangible objects to hurt persons, damage property, cause fire, cause public unrest, or prevent law enforcement from maintaining the peace.

**PROCEDURE**

When directed to respond to the scene of a First Amendment activity:

**UPON BECOMING AWARE OF A SCHEDULED FIRST AMENDMENT ACTIVITY:****UNIFORMED  
MEMBER OF  
THE SERVICE**

1. Notify the Citywide Event Planning and Coordination Section.
2. Notify precinct commanding officer.

**COMMANDING  
OFFICER**

3. Direct a precinct level member of the service assigned to a community affairs role to attempt to contact the activity's organizers and report back any pertinent information, if not previously conducted.
  - a. Ensure pertinent information is relayed to the Event Planning and Coordination Section.

**CITYWIDE  
EVENT  
PLANNING  
AND  
COORDINATION  
SECTION**

4. Determine what resources will be necessary for scheduled activity based on type, location, anticipated participants, and other relevant factors.
  - a. Liaise with commands and units as necessary to ensure appropriate staffing for scheduled activity.
  - b. Liaise with Equal Employment Opportunity Division (EEO) prior to event in order to ensure compliance with Americans with Disabilities Act (ADA).
5. Notify and confer with Borough Command and Bureau concerned, Community Affairs Bureau, Legal Bureau, Strategic Response Group (SRG) and Intelligence Bureau.

**MEMBERS OF  
THE SERVICE  
ASSIGNED TO  
CRIMINAL  
JUSTICE  
BUREAU**

6. Notify District Attorney's Office, if Mass Arrest Processing Center (MAPC) is activated.
  - a. Legal Bureau will confer with the concerned District Attorney's Office when MAPC is not activated.

**COMMUNITY  
AFFAIRS  
BUREAU/  
PCT  
COMMUNITY  
AFFAIRS  
PERSONNEL**

7. Report to location and provide resources as requested by the Citywide Event Planning and Coordination Section, Incident Commander, or other competent authority.
8. Assign a member of the service as a protest liaison or members of the service as necessary.

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**PROTEST  
LIAISON**

9. Wear uniform that is uniquely assigned to the Community Affairs Bureau, or attire deemed appropriate by Borough Command.
10. Make attempts to contact and establish a rapport with leaders of First Amendment activity before, during, and after activity, if identifiable.
  - a. Notify Citywide Event Planning and Coordination Section of each contact or attempted contact with leaders of activity, and make a **Digital Activity Log** entry of each contact or attempt.

**NOTE**

*The purpose of establishing a rapport with First Amendment group leaders is to foster cooperation in supporting the group's activities, to attempt to have group leaders intervene before activities become unlawful, and to garner support when police action is necessary if the actions of participants' become unlawful.*

**INCIDENT  
COMMANDER**

11. Determine if additional personnel and resources are needed.
  - a. Liaise with the Citywide Event Planning and Coordination Section in determining appropriate staffing and resources.
12. Respond to location of activity ahead of scheduled time and assume command of all police operations.
13. Consider all available information and prepare plan of action after consulting with the Citywide Event Planning and Coordination Section, Community Affairs Bureau, Legal Bureau, and Borough Commander or designee.
  - a. Develop a barrier configuration plan, if necessary, that ensures:
    - 1) Orderly movement by persons attending the event, as well as those attempting to pass by or leave the event, and
    - 2) Safety lanes and frozen areas to provide access for police personnel.

**NOTE**

*The plan of action should account for any possibility of counter-demonstration activities and their locations; including a contingency plan for unforeseen events (i.e., larger crowds, change of route, etc.). Barrier configuration for demonstrations should not unreasonably restrict access to, and participation in, the event. For example, attendees should be permitted to leave the event area at any time. In addition, if crowd conditions and other circumstances permit, participants should be permitted to leave and return to the same area. Sufficient openings in the barricades should be maintained for the purpose of permitting attendees to leave expeditiously and return to the event.*

14. Ensure uniformed supervisors account for responding personnel by utilizing **DETAIL ROSTER/ASSIGNMENT SHEETS (PD406-141)**.
15. Instruct responding members of the service regarding First Amendment activities.
  - a. Advise members of the service of the duty to balance the participants' rights to free expression with the need to maintain public safety for both participants and non-participants alike.
16. Stage personnel at an appropriate distance away from the First Amendment activity in consultation with Community Affairs Bureau/ Precinct Community Affairs Personnel, protest liaison, and the developing needs of the activity.

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**NOTE**

*Personnel should be staged so that members of the service do not unnecessarily interfere with lawful First Amendment activities. If requested and present, uniformed members donning special equipment and uniforms should be staged off scene from the First Amendment activity, but positioned for any necessary rapid response consistent with safety and logistical considerations.*

**UNIFORMED MEMBERS ASSIGNED TO EVENT**

17. Comply with P.G. 213-05, "Duties at an Unusual Disorder," as necessary, if participants at First Amendment activity display violent behavior or engage in unlawful activity.
  - a. Update Citywide Event Planning and Coordination Section in real time as to any requests for specialty units, including the reason for requesting such support.
18. Provide patrol borough and Operations Unit with regular updates regarding the progress of the First Amendment activity, as well as unusual developments, or the need for additional resources.
19. Respond to location of scheduled First Amendment activity as directed by competent authority.
20. Follow instructions of Incident Commander.
21. Ensure participants' First Amendment rights to free expression are balanced with the need to maintain public safety.
22. Utilize de-escalation techniques whenever encountering violent subjects.
23. Prepare, at direction of Borough Commander/ Designee, **FIRST AMENDMENT ACTIVITY/CITYWIDE EVENT REPORT (PDXXX-XXX)** at first opportunity of scheduled First Amendment activity.
  - a. Explain reasons for deployment of specialty units (e.g., Disorder Control Unit, ESU, Mounted Unit, SRG, TARU, etc.).
  - b. Explain usage of any special equipment including an Acoustic Hailing Device.

**UPON BECOMING AWARE OF A SPONTANEOUS FIRST AMENDMENT ACTIVITY:****UNIFORMED MEMBER OF THE SERVICE**

24. Notify Patrol Supervisor.
25. Respond to location of First Amendment activity and assume role of Incident Commander until relieved by ranking uniformed member of the service.
26. Notify Communications Section and request command resources to respond to location as necessary.
  - a. Stage responding command resources an appropriate distance away from spontaneous First Amendment activity pending arrival of Incident Commander, unless circumstances necessitate an immediate police response.

**NOTE**

*If available, command personnel assigned in a community affairs role will be requested to respond to spontaneous First Amendment activity.*

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- PATROL SUPERVISOR** 27. Notify desk officer of available information, including:
- Location of activity,
  - Activity type,
  - Purpose of activity,
  - Size and demeanor of group,
  - Planned routes, and
  - Other pertinent information.
- DESK OFFICER** 28. Notify and relay information provided by the patrol supervisor to:
- Commanding Officer.
  - Operations Unit,
  - Community Affairs Bureau,
  - Intelligence Bureau, and
  - Overhead command.
- INCIDENT COMMANDER** 29. Respond to location and relieve patrol supervisor by taking command of all police operations.
30. Follow steps “14” through “22.”
- UNIFORMED MEMBER OF THE SERVICE AT EVENT** 31. Report to location of First Amendment activity as directed by Operations Unit and determine what additional resources will be necessary for activity based on type, location, number of participants, and other relevant factors.
- Liaise with Incident Commander, commands, and units as necessary to ensure appropriate staffing for spontaneous activity.
32. Notify Community Affairs Bureau.
33. Provide guidance to members of the service responding to scheduled activity.
- Recommend to Incident Commander proper staging areas and posts for responding members of the service that are an appropriate distance from the activity.
34. Remain apprised of changing conditions and regularly update Operations Unit and Incident Commander.
- COMMUNITY AFFAIRS BUREAU** 35. Report to location and provide resources as requested by the Operations Unit or other competent authority.
- INCIDENT COMMANDER/DESIGNEE** 36. Assign a member of the service as a protest liaison or members of the service as necessary.
- PROTEST LIAISON** 37. Make attempts to contact and establish a rapport with leaders of First Amendment activity before, during, and after activity, if identifiable.
- Notify Incident Commander of each contact or attempted contact with leaders of activity and make a **Digital Activity Log** entry of each contact or attempt.



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**NOTE**

*Command personnel assigned to a Community Affairs role will work in conjunction with the Community Affairs Bureau.*

**UNIFORMED  
MEMBERS  
ASSIGNED TO  
EVENT**

38. Respond to location of spontaneous First Amendment activity as directed by competent authority.
39. Follow instructions of Incident Commander.
40. Ensure participant's First Amendment rights to free expression are balanced with the need to maintain public safety.
41. Utilize de-escalation techniques whenever encountering violent subjects.

**BOROUGH  
COMMANDER/  
INCIDENT  
COMMANDER/  
DESIGNEE**

42. Prepare **FIRST AMENDMENT ACTIVITY/CITYWIDE EVENT REPORT** upon conclusion of spontaneous First Amendment activity.
  - a. Explain reasons for deployment of specialty units (e.g., Disorder Control Unit, ESU, Mounted Unit, SRG, TARU, etc.), if deployed.
  - b. Explain usage of any special equipment including Acoustic Hailing Device, if used.

**ADDITIONAL  
DATA**

*Where appropriate and consistent with personal safety, de-escalation techniques may reduce or eliminate the need to use force and increase the likelihood of gaining a subject's voluntary compliance. In all cases, the primary duty of all members of the service is to protect human life. Where tensions should rise during a First Amendment activity, members of the service will prioritize de-escalation whenever possible.*

*Responding members of the service assigned to the Community Affairs Bureau, or to a community affairs role at their command, will not be assigned to patrol or enforcement functions except in exceptional circumstances during a First Amendment activity.*

*When notified that a First Amendment activity is to occur, the Incident Commander will cooperate with persons in charge to the extent possible, balancing their right to free expression with the need to maintain public safety. Citywide Events Planning/Coordination Section or Operations Unit will notify Legal Bureau as soon as possible to assist in planning and to arrange for response of a Department attorney, if needed.*

*The Legal Observer Program is a comprehensive system of legal support coordinated by the National Lawyers Guild (NLG) and the New York Civil Liberties Union (NYCLU). Recognizing the importance of their work, the Department permits properly identified legal observers free access through police lines at the scene of any First Amendment activity. Legal observers generally wear bright green hats (NLG) or blue hats and blue vests (NYCLU). All members of the service will extend every courtesy and cooperation to observers. Observers shall be permitted to remain in any area, or observe any police activity, subject only to restrictions necessitated by personal safety factors, as determined by the Incident Commander.*

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**ADDITIONAL  
DATA  
(continued)**

*When the Incident Commander is assigned to a group starting in one Borough and traveling over a bridge or walking into a contiguous Borough, the transition of the march/protest between Incident Commanders must be a direct transfer and include a full debrief on the condition experienced, including but not limited to demeanor of the group, damage to property, and any other attribute that would suggest unlawful activity. If there is no relieving Incident Commander, the initial commander will remain with the group and notify the Operations Unit. The Operations Unit will facilitate identifying a relieving Incident Commander, if available. Should there be a need to relieve personnel resources following a march across contiguous Boroughs, the Operations Unit will facilitate identifying relieving personnel. If there is no personnel available, the current personnel assigned will have to stay with the march/protest.*

**TEAM ASSIGNMENTS**

**ENFORCEMENT DUTY** - Required to implement appropriate arrest tactics or summons activity under the supervision of sergeants and lieutenants as enforcement teams, or during preplanned or spontaneous arrest situations.

**PROTECTING VULNERABLE, SENSITIVE OR CRITICAL LOCATIONS** - Responsible for correctly identifying locations and providing security for designated areas.

**ESCORT DUTY** – Responsible for Identifying and providing a system of escorts for other service providers, protected persons or sensitive groups.

**TRAFFIC DUTY** – Responsible for identifying borders of the event and assigning members to appropriate roadways to:

- a. Detour traffic around the area,
- b. Facilitate use of alternate routes, and
- c. Prevent injury to pedestrians by creating a system of controlled crossings.

**RELATED  
PROCEDURES**

*Duties at an Unusual Disorder (P.G. 213-05)  
Policing Special Events/Crowd Control (P.G. 213-11)  
Duties and Responsibilities at Special Events (P.G. 213-15)*

**FORMS AND  
REPORTS**

**FIRST AMENDMENT ACTIVITY/CITYWIDE EVENT REPORT (PDXXX-XXX)  
DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)**